REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-44 remain pending in the case. Claims 1-44 are rejected. Claims 8 and 43 are amended herein. No new matter has been added as a result of the amendment.

35 U.S.C. §101

Claims 30-44 are rejected under 35 U.S.C. §101 as lacking patentable utility. Applicants respectfully submit that Claims 30-44 are directed to patentable subject matter. Applicants respectfully direct the Examiner to MPEP 2106.01 which recites in part that "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory" (emphasis added).

Applicants respectfully direct the Examiner to independent Claim 30 that recites that an embodiment of the present invention is directed to (emphasis added):

> A computer readable medium having a data packet stored therein for causing a functional change in the operation of a device, said data packet comprising:
>
> a plurality of truncatable units, each of said units comprising an amount of media data; and
>
> a cryptographic checksum computed for each of said truncatable units.

Specifically, independent Claim 30 is directed to a "[a] computer readable medium having a data packet stored therein". Applicants respectfully submit that a computer-readable medium encoded with a data structure is statutory. Therefore, Applicants respectfully submit that Claim 30 overcomes the rejection under 35 U.S.C. §101, as Claim 30 is directed toward patentable subject matter. Applicants respectfully submit that Claims 31-44 also overcome the rejection under 35 U.S.C. § 101, and are in a condition for allowance as being dependent on an allowable base claim.

Claim Objections

Claim 8 is amended herein to overcome the objection.

35 U.S.C. §112, second paragraph

Claim 43 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claim 43 is rejected because the limitation "said transcoder readable header" lacks antecedent basis. Claim 43 is amended herein to recite dependency from Claim 31 that includes the limitation "a transcoder readable header." Applicants respectfully submit that Claim 43 overcomes the rejection under 35 U.S.C. §112, second paragraph, as limitations of Claim 43 include proper antecedent basis.

Double Patenting

The instant Office Action states that Claims 1-44 are provisionally rejected under the judicially created (nonstatutory) doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of copending Application No. 10/698,784. A terminal disclaimer in compliance with 37 CFR § 1.321 is being submitted concurrent with the instant response, thereby obviating the double patenting rejection.

35 U.S.C. §102

Claims 1-5, 7, 8, 11-14, 16, 17, 19-22, 30, 36, 37 and 44 are rejected under 35 U.S.C. §102(a/e) as being anticipated by U.S. Patent Application Publication No. 2003/0103571 by Meehan et al., hereinafter referred to as the "Meehan" reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-5, 7, 8, 11-14, 16, 17, 19-22, 30, 36, 37 and 44 are not anticipated by Meehan for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

> A method for ensuring integrity of data, comprising:
> separating an amount of data into segments;

computing a cryptographic checksum for a said segment; and

combining a segment and an associated cryptographic checksum into a data packet.

Independent Claims 16 and 30 recite similar limitations. Claims 2-5, 7, 8 and 11-14 that depend from independent Claim 1, Claims 17 and 19-22 that depend from independent Claim 16, and Claims 36, 37 and 44 that depend from independent Claim 30 also include these limitations.

MPEP §2131 provides:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants respectfully submit that Meehan is very different from the claimed embodiments. Applicants understand Meehan to teach a method and system for modulating an MPEG-4 FGS compressed video stream for variable-bandwidth transmission (Abstract). In particular, Applicants respectfully submit that that Meehan at least does not teach, describe or suggest "separating an amount of data into segments" and "computing a cryptographic checksum for a said segment", (emphasis added) as claimed.

With reference to Figure 1 of Meehan, MPEG-4 compression engine 2 is operable to generate a base layer 3 and one or more enhancement layers 4 ([0041]). Applicants respectfully submit that a layer is not a "segment" as claimed. In particular, Applicants respectfully submit that Meehan does not teach, describe or suggest "segments" as claimed.

Furthermore, Applicants respectfully submit that Meehan does not teach, describe or suggest "computing a cryptographic checksum" (emphasis added) as claimed. Applicants understand Meehan to teach that error correction code (ECC) can be added to each layer ([0042]). Applicants respectfully submit that ECC is not a cryptographic checksum. As recited in the instant specification, cryptographic encoding "is used to protect the security of data from unauthorized recipients or to verify that the data received is exactly what was originally sent" (page 3, line 22, through page 4, line 2). In particular, Applicants respectfully submit that that Meehan at least does not teach, describe or suggest "a cryptographic checksum" as claimed.

Therefore, Applicants respectfully submit that Meehan does not teach, describe or suggest "separating an amount of data into segments" and "computing a cryptographic checksum for a said segment", (emphasis added) as claimed. Accordingly, Applicants respectfully assert that the claimed

embodiments are not anticipated by Meehan, since Meehan does not show the identical invention in as complete detail as is contained in the claim.

Furthermore, independent Claims 16 and 30 and Claims 11-14 dependent on independent Claim 1 recite the limitation of "truncatable units". Applicants respectfully submit that Meehan does not teach, describe or suggest "truncatable units". In particular, Applicants respectfully submit that a layer as taught in Meehan is not a "truncatable unit" as claimed.

Applicants respectfully assert that Meehan does not teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claims 1, 16 and 30, that these claims overcome the rejection under 35 U.S.C. § 102(a/e), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit that Meehan also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-5, 7, 8 and 11-14 that depend from independent Claim 1, Claims 17 and 19-22 that depend from independent Claim 16, and Claims 36, 37 and 44 that depend from independent Claim 30. Therefore, Applicants respectfully submit that Claims 2-5, 7, 8, 11-14, 17, 19-22, 36, 37 and 44 also overcome the rejection under 35 U.S.C. § 102(a/e), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a)

Claims 6, 9, 10, 15, 17, 18, 23-29, 31-35 and 38-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meehan in view of U.S. Patent No. 6,963,972 by Chang et al., hereinafter referred to as the "Chang" reference. Claims 6, 9, 10 and 15 depend from independent Claim 1, Claims 17, 18 and 23-29 depend from independent Claim 16, and Claims 31-35 and 38-43 depend from independent Claim 30. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 6, 9, 10, 15, 17, 18, 23-29, 31-35 and 38-43 are patentable over Meehan in view of Chang for at least the following rationale.

As described above, Applicants respectfully submit that Meehan does not teach, describe or suggest "separating an amount of data into segments" and "computing a cryptographic checksum for a said segment", (emphasis added) as claimed. In particular, Applicants respectfully submit that Meehan is silent as to the use of "segments" and a "cryptographic checksum" as claimed. Furthermore, as described above, Applicants submit that Meehan does not teach, describe or suggest "truncatable units" as recited in independent Claims 16 and 30.

Further, Applicants respectfully submit that the combination of Meehan and Chang fails to teach or suggest this claim limitation because Chang does not overcome the shortcomings of Meehan. Applicants understand Chang to disclose a method and apparatus for networked information dissemination through secure transcoding (Title). More particularly, Applicants respectfully

submit that Chang is silent as to the use of "segments", a "cryptographic checksum", and "truncatable units" as claimed. Therefore, Applicants respectfully submit that Change does not teach, describe or suggest "separating an amount of data into segments" and "computing a cryptographic checksum for a said segment", (emphasis added) as claimed.

Applicants respectfully assert that the combination of Meehan and Chang does not teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claims 1, 16 and 30, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Applicants respectfully submit that the combination of Meehan and Chang also does not teach or suggest the additional claimed features of the present invention as recited in Claims 6, 9, 10 and 15 that depend from independent Claim 1, Claims 17, 18 and 23-29 that depend from independent Claim 16, and Claims 31-35 and 38-43 that depend from independent Claim 30. Therefore, Applicants respectfully submit that Claims 6, 9, 10, 15, 17, 18, 23-29, 31-35 and 38-43 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-44 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

Respectfully submitted,

WAGNER BLECHER L.L.P.

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John P. Wagner, Jr.
Registration No. 35,398

Address: WAGNER BLECHER LLP
Westridge Business Park
123 Westridge Drive
Watsonville, California 95076
(408) 377-0500